



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, February 19, 2013 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building
MINUTES APPROVED:	March 19, 2013

Members Present

Georgianna Trietley, Chair, Professional Member
Ronald Mandato, Vice Chair, Professional Member
William Diveley, Professional Member
Frank Smith, Public Member
Frank Long, Public Member
Brad Levering, Professional Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Kevin Maloney, Deputy Attorney General
Amanda McAtee, Administrative Specialist II

Members Absent

Richard Wheeler, Public Member

Public Present

Kim Hurley, Wilcox & Fetzer
Ted Ganderton
Krista Butler
Richard Foley
Richard A. Foley
Cheryl Russell
Martin Duszak
Earl Loomis

Call to Order

Ms. Trietley called the meeting to order at 9:50 a.m.

HEARING MINUTES

HEARING – Ted Ganderton

The Delaware Council on Real Estate Appraisers held a hearing on February 19, 2013, at 10:00a.m. in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Georgianna Trietley, Chair, Ronald Mandato, William Diveley,
Frank Smith, Frank Long, Brad Levering

RECUSED:

EXCUSED:

PURPOSE: Rule to Show Cause Hearing

PRESIDING: Georgianna Trietley, Chair

BOARD STAFF: Amanda McAtee, Administrative Specialist II

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, DAG
Kevin Maloney, DAG

DEPUTY ATTORNEY GENERAL FOR THE STATE:

RESPONDENT: Ted Ganderton

COUNSEL FOR THE RESPONDENT: Krista Butler

WITNESSES FOR THE STATE:

WITNESSES FOR THE RESPONDENT:

COURT REPORTER PRESENT: Kim Hurley, Wilcox and Fetzer

TIME STARTED: 10:00 a.m.

The recorder took verbatim testimony. The Board members introduced themselves. Ms. Davis-Olivia reviewed the timeline of events, work logs were submitted at the March 20, 2012 meeting, and the Council reviewed his work logs. The Council determined that there was no work logs submitted for November 2011, December 2011, or February 2012. By letter dated March 28, 2012 the work logs submitted were not in the proper format and he was asked to resubmit the work logs. At the Oct 16, 2012 meeting, the Council reviewed Mr. Ganderton's request to lift his probationary status and the Council denied the request due to continued violations of the Oct 18, 2011 disciplinary order specifically, paragraph 15E. The Council never received an acceptable work log, appraisal report, or status update. The purpose of this rule to show cause hearing was to provide Mr. Ganderton the opportunity to demonstrate to this Council why his license should not be revoked for non-compliance of his October 18, 2011 Consent Agreement.

Ms. Davis-Olivia marked her documents as Exhibit #1 Consent Agreement October 2011, Exhibit #2 Work log, Exhibit #3- March 28, 2012 letter Violation of Consent Agreement, and Exhibit #4 November 21, 2012 letter Rule to Show Cause Letter.

Ms. Davis-Olivia turned the floor over to Ms. Butler. Ms. Butler stated that the work log was submitted during the May 15, 2012 hearing and he was granted a sixty-day extension to submit a work log, and that Mr. Ganderton submitted a work log within that extension. Ms. Butler opened Mr. Ganderton up for questioning. Mr. Ganderton was sworn in at 10:03 a.m. by Kim Hurley from Wilcox & Fetzer.

Ms. Butler marked her documents as Exhibit Ganderton #1 Email from Nicole Williams confirming receipt of continuing education certificates from Mr. Ganderton dated July 10, 2012, Exhibit Ganderton #2 Meeting Minutes from May 15, 2012, Exhibit Ganderton #3 June 19, 2012, and Exhibit Ganderton #4 September 18, 2012.

Ms. Butler stated that Mr. Ganderton submitted a work long in May of 2012 and at the May 15, 2012 meeting Mr. Ganderton explained to the Council a personal hardship that he had experienced. Mr. Diveley asked if Mr. Ganderton had submitted work logs since May of 2012. Mr. Ganderton stated that it was from his understanding he was only to submit work logs during his initial six month probationary period. Mr. Mandato asked if any sample appraisal reports were requested from his log. Mr. Ganderton stated that from reading past meeting minutes it appeared that a Council member tried to review his log but he was never asked to submit sample reports. Ms. Trietley stated that she reviewed his log and reported that there were several properties that she could not verify. Mr. Ganderton stated that these properties could have been new construction and that he was never notified of any addresses that were not verifiable by the Council. Ms. Butler stated that Mr. Ganderton should be given an opportunity to address any unverifiable properties on his submitted log.

Ms. Davis-Olivia stated that the requirement in the consent order was to submit monthly work logs; she requested confirmation that there was not a dispute that they were not submitted as requested. Ms. Butler stated that there was not a dispute and that he was given a sixty day extension at the May 15, 2012 meeting. Ms. Davis-Olivia stated that Mr. Ganderton should state for the Council the reason why the extension was originally granted at the May 15, 2012 meeting.

Mr. Ganderton stated that September of 2011 through January of 2012 was a very difficult time for his family and himself personally; he had stated in the May 15, 2012 meeting that he should have notified the Council or reported earlier and that was an oversight on his behalf. He stated that he should have submitted the logs monthly but submitted the work logs that spanned his six month probationary period in May of 2012.

Ms. Butler stated that Mr. Ganderton was given a sixty day extension on May 15, 2012 and that he complied with the extension. He did not submit additional logs because he was waiting for the submitted logs to be reviewed. Ms. Butler requested that Mr. Ganderton be given the opportunity to submit any additional work logs.

Ms. Butler stated that Mr. Ganderton sent his continuing education certificates to Nicole Williams on July 10, 2012 and that she had a copy of the email from Ms. Williams stating that she had received them. Ms. Davis-Olivia stated that he fulfilled his continuing education requirement of the consent agreement.

Ms. Butler asked for the Council to take into consideration that he complied with his sixty day extension and that he should be given the opportunity to correct any discrepancies on his log.

The Council went off record at 10:21 a.m. to deliberate and returned at 10:24 a.m.

Mr. Mandato made a motion, seconded by Mr. Diveley, that the Council could not find a basis to impose additional discipline and the probationary status should be lifted from Mr. Ganderton's license. By unanimous vote, the motion carried. The hearing concluded at 10:27 a.m.

Review and Approval of Minutes

The Council reviewed the minutes from the January 11, 2013 meeting. Mr. Diveley made a motion, seconded by Mr. Long, to approve the minutes as submitted. The motion carried unanimously.

Unfinished Business

Review of Legislative Bill

Ms. Davis-Olivia reviewed proposed Statute changes. The proposed Bill would remove the last sentence from section 4011 (which was a request of the Appraisal Subcommittee), section 5 was added to require criminal background checks (which would be a national requirement by 2015), section 6 would be added for Appraisal Management Companies (AMCs), and section 7 would be added to give the Council the ability to issue non-disciplinary, confidential letters of concern.

Ms. Davis-Olivia stated that changes to the Council's Rules and Regulations were required in order to be compliant with the new AQB criteria. The changes would lower the acceptable late renewal time period from twelve months to sixty days for all licensees and certificate holders, the prorated amounts of continuing education would be adjusted for licensure periods less than two years, and the rest of the changes would concern the continuing education section of the Rules and Regulations to bring the Council into compliance with the new AQB criteria. In addition, the requirement of the pre-certification examination for assessors would also be removed from the Rules and Regulations.

Mr. Diveley made a motion, seconded by Mr. Levering, to approve the changes for publication. By unanimous vote, the motion carried.

Status of Complaint

Ms. Trietley stated complaint number 19-12-11 was forwarded to Attorney General's Office for review. Ms. Trietley stated that she was now the Council contact for this complaint since it was originally assigned to Mr. Parker.

New Business

Review of Consent Agreement – Joel Leitner 19-09-11

Ms. Davis-Olivia reviewed the consent agreement for Mr. Leitner. Mr. Diveley made a motion, seconded by Mr. Levering, to accept the consent agreement for Mr. Leitner.

New Complaints

Complaint number 19-01-13 of Kent County was assigned to Ms. Trietley.

Ratification of Issued Licenses

Mr. Diveley made a motion, seconded by Mr. Smith, to ratify the list of licenses issued below. The motion carried unanimously.

Deborah Katzman, LRPA
Karen Wilson, CRRPA
Edwin Whitmore, CRRPA
Ian Holland, CGRPA
Julia Ann Bonfante, CGRPA
Gina McKendry, Trainee Supervisor: Mary Lynn Needs, CRRPA
Nancy Delara, Trainee Supervisor: Wayne Mouser, Jr., CRRPA
Chelsey Leffet, Trainee Supervisor: Jerod Byrd, CGRPA

Review of Application for Examination

Cory Burd

Richard Foley

Ms. Trietley reviewed the applications of Cory Burd and Richard Foley for the Council.

Ms. Trietley made a motion, seconded by Mr. Diveley, to approve Cory Burd and Richard Foley to sit for their respective exams for licensure. The motion carried unanimously.

Review of Application by Reciprocity

Milton S. Booth

Ms. Trietley reviewed the application of Milton S. Booth for the Council. Mr. Diveley made a motion, seconded by Mr. Long, to accept Mr. Booth's application by reciprocity. The motion carried unanimously.

Review of Application for Temporary Practice Permit

Samuel Levi

Ms. Trietley reviewed the temporary practice permit of Samuel Levi for the Council.

Mr. Mandato made a motion, seconded by Mr. Smith, to approve the temporary practice permit of Samuel Levi. The motion carried unanimously.

Review of experience log

The experience log for Teresa Shrine was assigned to Ms. Trietley and she was reviewing the experience log.

Approval of Continuing Education Activities

Mr. Mandato made a motion, seconded by Mr. Diveley, to approve the continuing education activities listed below. The motion carried unanimously.

Appraisal Institute
Appraising Condos, Co-Ops, & PUDs

NAIFA
Understanding Leases

Loomis Appraisal School, Inc.
7-Hour USPAP Update Course 2012-2013

McKissock, LP
FHA for Today's Appraiser – Live Webinar

IAAO

- Fundamentals of Real Property Appraisal
- Income Approach to Valuation
- Income Approach to Valuation II
- Appraisal of Land
- Fundamentals of Mass Appraisal
- Residential Modeling Concepts
- Commercial/Industrial Modeling Concepts
- Assessment Administration
- Property Tax Policy
- Assessment of Personal Property
- Principles and Techniques of Cadastral Mapping
- Cadastral Mapping – Methods & Applications
- Depreciation Analysis

Review of Temp applications

Ms. Trietley stated that temporary applications were issued to David Glauber, Sarah Miller, Gerald Rasmussen, Joseph Anderson, Stuart Smith, James Piwarun, Erik Hector, Steven Klett, Bruce Nell, Brian Lee Chandler, and Charles A. Bissell. There was no discussion by the Council.

Review of Application for Certification as an Assessor

Ms. McAtee reviewed the application for assessor certification for the Council. After discussion, Mr. Diveley made a motion, seconded by Mr. Mandato, to accept application as presented. The motion carried unanimously.

Review of Possible Dates for Delaware Real Estate Appraiser Seminar

Ms. McAtee stated that April 22, 2013 was selected as the date for the Delaware Real Estate Appraiser Seminar.

Audits

Mr. Diveley made a motion, seconded by Mr. Levering, for Ms. Trietley to review the audits. The motion carried unanimously.

Other Business before the Council (for discussion only)

Mr. Diveley requested that Ms. McAtee inquire with the Governor's office on the status of replacement members for the Council.

Public Comment

Earl Loomis stated that he had two courses approved on June 19, 2012 that were not on the website as approved courses, appraisal issues for appraisers and a seven hour green building technology course. Ms. McAtee stated that she had recently taken over Council liaison duties and had submitted a website request to update the approved courses. She would have these courses added as well.

Richard Foley asked what his son required to upgrade his license. Ms. McAtee stated that he was missing college course work and that he could speak to her after the meeting for the specifics.

Next Meeting

The next meeting is scheduled for March 19, 2013 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Diveley made a motion, seconded by Mr. Mandato, to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:44 a.m. The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A McAtee', written in a cursive style.

Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Commission members and the public in supplementing their personal notes and recall for presentations.